

Case Information

DC-17-05152 | SARA BEER vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

Case Number

DC-17-05152

Case Type

INSURANCE

Court

134th District Court

Case Status

OPEN

File Date

04/30/2017

Party

PLAINTIFF

BEER, SARA

Active Attorneys ▼

Lead Attorney

WALKER, JAMES D

Retained

Work Phone

214-227-9812 

Fax Phone

972-434-3052 

DEFENDANT

ZURICH AMERICAN LIFE INSURANCE COMPANY

Address

BY SERVING REGISTERED AGENT CORPORATIN SERVICE COMPANY


211 EAST 7TH STREET SUITE 620

AUSTIN TX 78701-3218

Active Attorneys ▼

Lead Attorney
GARCIA, RODRIGO
Retained

Work Phone
713-403-8206 


Fax Phone
713-403-8299 


DEFENDANT
ZURICH AMERICAN INSURANCE COMPANY

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BY SERVING REGISTERED AGENT CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218

Active Attorneys ▼

Lead Attorney
GARCIA, RODRIGO
Retained

Work Phone
713-403-8206 

Fax Phone
713-403-8299 

DEFENDANT
HOTELS.COM LP

Address
BY SERVING REGISTERED AGENT NATIONAL REGISTERED AGENTS INC
1999 BRYAN ST STE 900
DALLAS TX 75201-3136

DEFENDANT
HOTELS.COM GP LLC

Address
BY SERVING REGISTERED AGENT NATIONAL REGISTERED AGENTS INC
1999 BRYAN ST STE 900
DALLAS TX 75201-3136

Events and Hearings

04/30/2017 NEW CASE FILED (OCA) - CIVIL

04/30/2017 ORIGINAL PETITION ▼

BEER 2017 04302017 Plaintiff's Petition.pdf

04/30/2017 ISSUE CITATION ▼

ISSUE CITATION

ISSUE CITATION

ISSUE CITATION

ISSUE CITATION

05/04/2017 CITATION ▼

Anticipated Server
CERTIFIED MAIL

Anticipated Method
Actual Server
CERTIFIED MAIL

Returned
05/10/2017
Anticipated Server
CERTIFIED MAIL

Anticipated Method
Actual Server
CERTIFIED MAIL

Returned
05/10/2017
Anticipated Server
CERTIFIED MAIL

Anticipated Method
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Anticipated Server
CERTIFIED MAIL

Anticipated Method
Actual Server
CERTIFIED MAIL

Returned
05/10/2017
Comment
CERT MAIL / GR 9214 8901 0661 5400 0106 8386 40 / 9214 8901 0661 5400 0106 8388 17 / 9214 8901 0661 5400 0106 8399 82 / 9214 8901 0661 5400 0106 8400 63

05/05/2017 NOTICE OF CHANGE OF ADDRESS ▼

BEER 2017 05052017 Notice of Change Address of Counsel.pdf

Comment
Notice of Address of Counsel

05/10/2017 RETURN OF SERVICE ▼

HOTELS.COM GP LLC

Comment
CIT EXEC 5/9/17 TO HOTELS.COM GP, LLC CERT MAIL

05/10/2017 RETURN OF SERVICE ▼

ZURICH AMERICAN LIFE

Comment
CIT EXEC 5/9/17 TO ZURICH AMERICAN LIFE INS CO CERT MAIL

05/10/2017 RETURN OF SERVICE ▼

HOTELS.COM, LP

Comment
CIT EXEC 5/9/17 TO HOTELS.COM, LP CERT MAIL

05/10/2017 RETURN OF SERVICE ▼

ZURICH AMERICAN INS CO

Comment
CIT EXEC 5/9/17 TO ZURICH AMERICAN INS CO CERT MAIL

05/30/2017 ORIGINAL ANSWER - GENERAL DENIAL ▼

EXHIBIT 2

ZURICH ORIGINAL ANSWER.pdf

07/21/2017 DISMISSAL FOR WANT OF PROSECUTION ▼

Judicial Officer
TILLERY, DALE

Hearing Time
10:00 AM

Financial

BEER, SARA				
Total Financial Assessment				\$647.00
Total Payments and Credits				\$647.00
5/3/2017	Transaction Assessment			\$647.00
5/3/2017	CREDIT CARD - TEXFILE (DC)	Receipt # 27857-2017-DCLK	BEER, SARA	(\$647.00)

Documents

BEER 2017 04302017 Plaintiff's Petition.pdf
ISSUE CITATION
ISSUE CITATION
ISSUE CITATION
ISSUE CITATION

BEER 2017 05052017 Notice of Change Address of Counsel.pdf

HOTELS.COM GP LLC

ZURICH AMERICAN LIFE

HOTELS.COM, LP

ZURICH AMERICAN INS CO

ZURICH ORIGINAL ANSWER.pdf

EXHIBIT 2

CAUSE NO. _____

JUDICIAL DISTRICT

whatever dollar amounts the jury believes to be appropriate for the claims, whether or not that award coincides with the statistical classification ranges ascribed to this paragraph. These brackets for various ranges of damages which Plaintiff is required to include in this pleading are merely designed for the clerk's recordkeeping; these brackets do not include a category that will accurately reflect the importance of this case. It is Plaintiff's intent to rely upon the jury's sound discretion and judgment after the jury has had the opportunity to consider the evidence at trial and come to its own determination of the appropriate damages amount, and not base Plaintiff's claim upon the statistical assertion made in this paragraph. Plaintiff makes this statement on the date of the filing of this pleading, before conducting substantial discovery and depositions in this case and therefore before learning whatever additional facts Plaintiff will learn through written discovery and depositions. Plaintiff's attorney - not Plaintiff - wrote this paragraph.

Plaintiff seeks:

- ☐ Monetary relief over \$100,000 but not more than \$200,000 or
- ☐ Monetary relief over \$200,000 but not more than \$1,000,000 or
- ☒ Monetary relief over \$1,000,000

and all other relief to which Plaintiff is justly entitled.

II. PARTIES

4. Plaintiff is Sara Beer. The last three digits of Plaintiff's SSN are 462. The last three digits of Plaintiff's Texas driver's license number are 213. She has been a Texas resident at all relevant times.

5. Defendant Zurich American Life Insurance Company is an LI insurance company doing business at all relevant times in Texas. This defendant may be served with process by serving its Attorney for Service: Corporation Service Company, 211 East 7th Street, Suite 620, Austin, TX

78701-3218, USA or wherever they may be found, which service is hereby requested.

6. Defendant Zurich American Insurance Company is an FC insurance company doing business at all relevant times in Texas. This defendant may be served with process by serving its Attorney for Service: Corporation Service Company, 211 East 7th Street, Suite 620, Austin, TX 78701-3218, USA or wherever they may be found, which service is hereby requested.

7. Defendant Hotels.com, LP is a domestic limited partnership doing business at all relevant times in Texas with its principal office located at 5400 LBJ Freeway, Suite 500, Dallas, TX 75240. This defendant may be served with process by serving its registered agent for service of process: National Registered Agents, Inc. at 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136 USA or wherever the agent may be found, which service is hereby requested.

8. Defendant Hotels.com GP, LLC is a domestic limited liability company doing business at all relevant times in Texas with its principal office located at 5400 LBJ Freeway, Suite 500, Dallas, TX 75240. This defendant may be served with process by serving its registered agent for service of process: National Registered Agents, Inc. at 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136 USA or wherever the agent may be found, which service is hereby requested.

III. JURISDICTION and VENUE

9. The Court has jurisdiction over this controversy because the amount in controversy exceeds the minimum jurisdictional limit of this Court.

10. The Court has jurisdiction over this controversy pursuant to 29 USC § 1132(e).

11. The Court has personal jurisdiction over Defendants because Defendants have sufficient minimum contacts with Texas to confer jurisdiction on Texas courts. Defendants purposefully availed themselves of the privileges and benefits of conducting business in Texas by engaging in internet contacts establishing personal jurisdiction, placing products in the stream of commerce

knowing that some of them would reach Texas, and engaging in additional conduct indicating an intent to serve the Texas market.

12. The Court has personal jurisdiction over Defendants because Plaintiff's causes of action arose from or relate to Defendants' contacts with Texas.

13. The Court has personal jurisdiction over Defendants because the exercise of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice and will be consistent with the constitutional requirements of due process.

14. Venue is proper in this county because it is the county of the defendant's principal office in this state. *See* TEX. CIV. PRAC. & REM. CODE § 15.002(a)(3).

IV. FACTUAL BACKGROUND

15. Plaintiff reasserts each of the preceding paragraphs as if set forth here in their entirety.

16. Defendants Hotels.com, LP and Hotels.com GP, LLC (collectively, "Hotels.com") established and maintained an employee benefit plan funded in part through a policy issued by Zurich American Life Insurance Company and Zurich American Insurance Company (collectively, "Zurich") insuring the life of Clinton Beer and naming his wife, Sara Beer, as the beneficiary of the life insurance policy.

17. On or about November 30, 2014, Baylor University Medical Center at Dallas ("Baylor") admitted the "alert and disoriented" Mr. Beer after a moped accident.

18. Weeks after his admission to Baylor, Mr. Beer suffered a fungal infection. On or about January 1, 2015, Baylor treated the fungal infection with Ambisome, and Mr. Beer suffered a reaction to the Ambisome and became asystolic (e.g. "flatlined"). Over the next few days, Mr. Beer's health rapidly declined and he became dependent upon mechanical life support for survival, whereupon the family decided the most humane course for Mr. Beer was to end his suffering and

remove life support.

19. Mrs. Beer filed a claim under the life insurance policy and Defendants denied the claim and denied her appeals.

**V.
ERISA ACTION**

20. Plaintiff reasserts each of the preceding paragraphs as if set forth here in their entirety.

21. Plaintiff properly made a claim for benefits;

22. Plaintiff exhausted the plan's administrative appeals process;

23. Plaintiff is entitled to a particular benefit under the plan's terms; and

24. Plaintiff was denied that benefit.

**VI.
ATTORNEY FEES**

25. Plaintiff reasserts each of the preceding paragraphs as if set forth here in their entirety.

26. It has been necessary for Plaintiff to engage undersigned counsel to prosecute this suit, and Plaintiff is entitled to recover reasonable and necessary attorney fees in an amount to be determined at trial.

**VII.
REQUEST FOR DISCLOSURE**

27. Pursuant to Texas Rule of Civil Procedure 194, each defendant is requested and required to disclose the information and materials described in Rule 194.2 within 50 days of service of this request.

**VIII.
JURY DEMAND**

28. Plaintiff respectfully requests a trial by jury.

**IX.
CONCLUSION AND REQUEST FOR RELIEF**

29. FOR THESE REASONS, Plaintiff prays that Defendants be cited to appear and answer, and that on final trial, Plaintiff have and recover the following relief against Defendants:

- a) Judgment for benefits owed to Mrs. Beer under the terms of the plan;
- b) Judgment enforcing Mrs. Beer's rights under the terms of the plan;
- c) Judgment for attorney fees;
- d) Pre-judgment and post-judgment interest at the maximum legal rate;
- e) All costs of court; and
- f) Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

/s/ Jim Walker

JIM WALKER AND ASSOCIATES, PLLC
James D. Walker
Texas State Bar No. 24042111
4925 Greenville Ave., Suite 200
Dallas, TX 75206
(214) 227-9812 (voice)
(972) 434-3052 (fax)
Jim@jimwlaw.com
ATTORNEY FOR PLAINTIFF

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**HOTELS.COM GP, LLC
BY SERVING REGISTERED AGENT NATIONAL REGISTERED AGENTS, INC.
1999 BRYAN ST., STE. 900
DALLAS, TX 75201-3136**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **SARA BEER**

Filed in said Court **30th day of April, 2017** against

ZURICH AMERICAN LIFE INSURANCE COMPANY, ZURICH AMERICAN INSURANCE COMPANY, HOTELS.COM, LP AND HOTELS.COM GP, LLC

For Suit, said suit being numbered **DC-17-05152**, the nature of which demand is as follows:
Suit on **INSURANCE** etc. as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 4th day of May, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Gabriel Rincon*, Deputy
GABRIEL RINCON



CERT MAIL

CITATION

DC-17-05152

**SARA BEER
vs. ZURICH AMERICAN LIFE
INSURANCE COMPANY et al**

**ISSUED THIS
4th day of May, 2017**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

**DALLAS COUNTY CONSTABLE
FEES
PAID**

**FEES NOT
PAID**

OFFICER'S RETURN

Case No. : DC-17-05152

Court No. 134th District Court

Style: SARA BEER

vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

Came to hand on the 4TH day of MAY, 2017 at 10:10 o'clock A.M. Executed at _____, within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____, 20_____, by delivering to the within named _____

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ <u>76.00</u>	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

FELICIA PITRE
DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8399 82

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

HOTELS.COM GP, LLC
BY SERVING REGISTERED AGENT NATIONAL REGISTERED
AGENTS, INC.
1999 BRYAN ST STE 900
DALLAS, TX 75201-3140

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THE STATE OF TEXAS**

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CERT MAIL

CITATION

DC-17-05152

**SARA BEER
vs. ZURICH AMERICAN LIFE
INSURANCE COMPANY et al**

**ISSUED THIS
4th day of May, 2017**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

**DALLAS COUNTY CONSTABLE
FEES PAID FEES NOT PAID**

OFFICER'S RETURN

Case No. : DC-17-05152

Court No.134th District Court

Style: SARA BEER

vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

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For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

FELICIA PITRE
DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8400 63

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

HOTELS.COM, LP
BY SERVING REGISTERED AGENT NATIONAL REGISTERED
AGENTS, INC.
1999 BRYAN ST STE 900
DALLAS, TX 75201-3140

CUT / FOLD HERE

CUT / FOLD HERE

CUT / FOLD HERE

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THE STATE OF TEXAS**

To:

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BY SERVING REGISTERED AGENT CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

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CERT MAIL

CITATION

DC-17-05152

**SARA BEER
vs. ZURICH AMERICAN LIFE
INSURANCE COMPANY et al**

**ISSUED THIS
4th day of May, 2017**

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Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

**DALLAS COUNTY CONSTABLE
FEES PAID FEES NOT PAID**

EXHIBIT 2

OFFICER'S RETURN

Case No. : DC-17-05152

Court No. 134th District Court

Style: SARA BEER

vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

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Notary Public _____ County _____

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DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8386 40

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

ZURICH AMERICAN INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE
COMPANY
211 E 7TH ST STE 620
AUSTIN, TX 78701-3218

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THE STATE OF TEXAS**

To:

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GABRIEL RINCON



CERT MAIL

CITATION

DC-17-05152

**SARA BEER
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INSURANCE COMPANY et al**

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4th day of May, 2017**

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Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

**DALLAS COUNTY CONSTABLE
FEES PAID FEES NOT PAID**

OFFICER'S RETURN

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Court No.134th District Court

Style: SARA BEER

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DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8388 17

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

ZURICH AMERICAN LIFE INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE
COMPANY
211 E 7TH ST STE 620
AUSTIN, TX 78701-3218

CAUSE NO. DC-17-05152

SARA BEER,	§	IN THE DISTRICT COURT OF
	§	
PLAINTIFF,	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
ZURICH AMERICAN LIFE INSURANCE	§	
COMPANY, ZURICH AMERICAN	§	
INSURANCE COMPANY, HOTELS.COM,	§	
LP AND HOTELS.COM GP, LLC,	§	
	§	
DEFENDANTS.	§	134TH JUDICIAL DISTRICT

PLAINTIFF'S NOTICE OF CHANGE OF ADDRESS OF COUNSEL

TO THE HONORABLE JUDGE:

Plaintiff gives notice of her counsel's current address and contact information, as follows:

Jim Walker, Attorney at Law, CPA
4925 Greenville Ave., Suite 200
Dallas, TX 75206
(214) 227-9812 (voice)
(972) 434-3052 (fax)
Jim@jimwlaw.com

Respectfully submitted,

/s/ Jim Walker

Jim Walker, Attorney at Law, CPA
Texas State Bar No. 24042111
4925 Greenville Ave., Suite 200
Dallas, TX 75206
(214) 227-9812
(972) 434-3052 (fax)
Jim@jimwlaw.com

ATTORNEY FOR PLAINTIFF

EXHIBIT 2

CERTIFICATE OF SERVICE

The undersigned certifies that on **May 5, 2017** a true and correct copy of the foregoing document was delivered pursuant to the Texas Rules of Civil Procedure to counsel of record.

/s/ Jim Walker

Jim Walker

PLAINTIFF'S NOTICE OF CHANGE OF ADDRESS OF COUNSEL



JUDGE DALE TILLERY PRESIDING
134TH JUDICIAL DISTRICT COURT
600 Commerce St., 6th Floor, Room 650
Dallas, Texas 75202-4606
214/653-7546 -- 134th Ct. Clerk
214/653-6995 -- Ct. Coordinator
fly@dallascourts.org

May 05, 2017

JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240

Re: SARA BEER vs. ZURICH AMERICAN LIFE INSURANCE COMPANY
et al
DC-17-05152

All Counsel of Record/Pro Se Litigants:


Pursuant to Rule 165A of the Texas Rules of Civil procedure, and the inherent power of the Court, the above case is set for dismissal on:

July 21, 2017 at 10:00 AM

If **NO ANSWER** has been filed you are expected to have moved for a default judgment on or prior to the above stated date. Failure to move for a default judgment will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,


DALE TILLERY
Presiding Judge

pc: JAMES D WALKER

ALL PARTIES MUST BE MADE AWARE OF ALL COMMUNICATIONS WITH THE COURTS.

EXHIBIT 2

OFFICER'S RETURN

Case No. : DC-17-05152

Court No.134th District Court

Style: SARA BEER

vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

Came to hand on the 4TH day of MAY, 2017 at 10:10 o'clock A.M. Executed at 1999 Bryan St. Ste 900
Dallas, TX 75201, within the County of _____ at
8:44 o'clock A.M. on the 9th day of May, 2017, by delivering to the within named

Hotels.com GP, LLC by serving registered agent National Registered Agents, Inc.
via US Certified Mail. Return receipt received signed by Christopher Wells

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 76.00

For mileage \$ _____

For Notary \$ _____

Christopher Wells
of _____ County, _____
By Gabriel Rincon Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20 _____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

FELICIA PITRE
DISTRICT CLERK
600 COMMERCE STREET
DALLAS, TEXAS 75202-4606

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**HOTELS.COM GP, LLC
BY SERVING REGISTERED AGENT NATIONAL REGISTERED AGENTS, INC.
1999 BRYAN ST., STE. 900
DALLAS, TX 75201-3136**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **SARA BEER**

Filed in said Court **30th day of April, 2017** against

ZURICH AMERICAN LIFE INSURANCE COMPANY, ZURICH AMERICAN INSURANCE COMPANY, HOTELS.COM, LP AND HOTELS.COM GP, LLC

For Suit, said suit being numbered **DC-17-05152**, the nature of which demand is as follows: Suit on **INSURANCE** etc. as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 4th day of May, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Gabriel Rincon*, Deputy
GABRIEL RINCON



CERT MAIL

CITATION

DC-17-05152

**SARA BEER
vs. ZURICH AMERICAN LIFE
INSURANCE COMPANY et al**

**ISSUED THIS
4th day of May, 2017**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

DALLAS COUNTY CONSTABLE
FEE PAID **FEE NOT PAID**

EXHIBIT 2

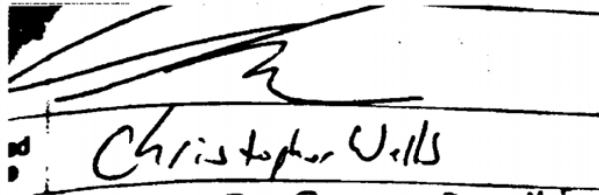
**UNITED STATES
POSTAL SERVICE**

Date: May 9, 2017

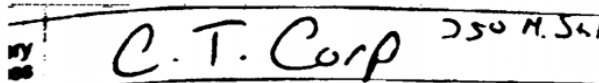
MAIL MAIL:

The following is in response to your May 9, 2017 request for delivery information on your Certified Mail™/RRE item number 92148901066154000106839982. The delivery record shows that this item was delivered on May 9, 2017 at 8:44 am in DALLAS, TX 75201. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to read "Christopher Wells", is written over a horizontal line. To the left of the signature, there is a small, dark, rectangular mark.

Address of Recipient :

A handwritten address in black ink, "C.T. Corp 250 N. St", is written over a horizontal line. To the left of the address, there is a small, dark, rectangular mark.

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000106839982
DC-17-05152 / GR
HOTELS.COM GP, LLC
BY SERVING REGISTERED AGENT NATIONAL REGISTERED
AGENTS, INC.
1999 Bryan St Ste 900
Dallas, TX 75201-3140

EXHIBIT 2

FELICIA PITRE
DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8399 82

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

HOTELS.COM GP, LLC
BY SERVING REGISTERED AGENT NATIONAL REGISTERED
AGENTS, INC.
1999 BRYAN ST STE 900
DALLAS, TX 75201-3140

OFFICER'S RETURN

Case No. : DC-17-05152

Court No. 134th District Court

Style: SARA BEER

vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

Came to hand on the 4TH day of MAY, 2017 at 10:10 o'clock A.M. Executed at 1999 Bryan St - Ste 900 Dallas, TX 75201, within the County of _____ at 8:44 o'clock A.M. on the 9th day of May, 2017, by delivering to the within named

Hotels.com, LP by serving registered agent National Registered Agents, Inc.
via US Certified Mail Return receipt received signed by Christopher Wells

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 76.00

For mileage \$ _____

For Notary \$ _____

Christopher Wells
of _____ County, _____
By Gabriel Rincon Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

FELICIA PITRE
DISTRICT CLERK
600 COMMERCE STREET
DALLAS, TEXAS 75202-4606

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**HOTELS.COM, LP
BY SERVING REGISTERED AGENT NATIONAL REGISTERED AGENTS, INC.
1999 BRYAN ST., STE. 900
DALLAS, TX 75201-3136**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **SARA BEER**

Filed in said Court **30th day of April, 2017** against

ZURICH AMERICAN LIFE INSURANCE COMPANY, ZURICH AMERICAN INSURANCE COMPANY, HOTELS.COM, LP AND HOTELS.COM GP, LLC

For Suit, said suit being numbered **DC-17-05152**, the nature of which demand is as follows:
Suit on **INSURANCE** etc. as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 4th day of May, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Gabriel Rincon*, Deputy
GABRIEL RINCON



CERT MAIL

CITATION

DC-17-05152

**SARA BEER
vs. ZURICH AMERICAN LIFE
INSURANCE COMPANY et al**

**ISSUED THIS
4th day of May, 2017**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

**DALLAS COUNTY CONSTABLE
FEES PAID FEES NOT PAID**

EXHIBIT 2

FELICIA PITRE
DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
800 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8400 63

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

HOTELS.COM, LP
BY SERVING REGISTERED AGENT NATIONAL REGISTERED
AGENTS, INC.
1999 BRYAN ST STE 900
DALLAS, TX 75201-3140

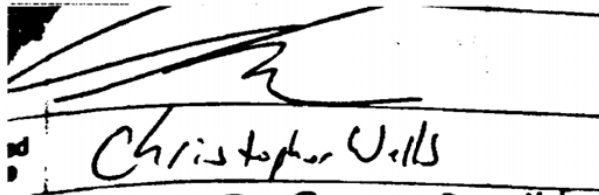
**UNITED STATES
POSTAL SERVICE**

Date: May 9, 2017

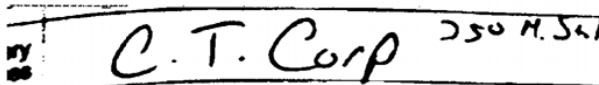
MAIL MAIL:

The following is in response to your May 9, 2017 request for delivery information on your Certified Mail™/RRE item number 92148901066154000106840063. The delivery record shows that this item was delivered on May 9, 2017 at 8:44 am in DALLAS, TX 75201. The scanned image of the recipient information is provided below.

Signature of Recipient :

A scanned image of a handwritten signature. The signature is written in black ink on a white background. It appears to be "Christopher Wells".

Address of Recipient :

A scanned image of a handwritten address. The address is written in black ink on a white background. It appears to be "C.T. Corp 250 H. St".

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

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Reference ID: 92148901066154000106840063
DC-17-05152 / GR
HOTELS.COM, LP
BY SERVING REGISTERED AGENT NATIONAL REGISTERED
AGENTS, INC.
1999 Bryan St Ste 900
Dallas, TX 75201-3140

EXHIBIT 2

OFFICER'S RETURN

Case No. : DC-17-05152

Court No. 134th District Court

Style: SARA BEER

vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

Came to hand on the 4TH day of MAY, 2017 at 10:10 o'clock A.M. Executed at 211 E 7th St. Ste 620 Austin, TX 78701, within the County of _____ at

9:05 o'clock A.M. on the 9th day of May, 2017, by delivering to the within named

Zurich American Insurance Company by serving registered agent Corporation Service Company via US Certified Mail. Return receipt received signed by Chris Saizan

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 76.00

For mileage \$ _____

For Notary \$ _____

Chris Saizan

of _____ County, _____

By Gabriel Rincon Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

FELICIA PITRE
DISTRICT CLERK
600 COMMERCE STREET
DALLAS, TEXAS 75202-4606

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**ZURICH AMERICAN INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **SARA BEER**

Filed in said Court **30th day of April, 2017** against

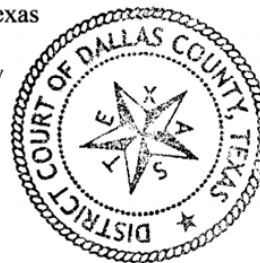
ZURICH AMERICAN LIFE INSURANCE COMPANY, ZURICH AMERICAN INSURANCE COMPANY, HOTELS.COM, LP AND HOTELS.COM GP, LLC

For Suit, said suit being numbered **DC-17-05152**, the nature of which demand is as follows:
Suit on **INSURANCE** etc. as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 4th day of May, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Gabriel Rincon*, Deputy
GABRIEL RINCON



CERT MAIL

CITATION

DC-17-05152

**SARA BEER
vs. ZURICH AMERICAN LIFE
INSURANCE COMPANY et al**

**ISSUED THIS
4th day of May, 2017**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

DALLAS COUNTY CONSTABLE

**FEES
PAID**

**FEES NOT
PAID**

EXHIBIT 2

FELICIA PITRE
DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8386 40

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

ZURICH AMERICAN INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE
COMPANY
211 E 7TH ST STE 620
AUSTIN, TX 78701-3218

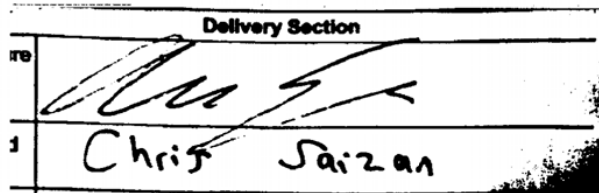
**UNITED STATES
POSTAL SERVICE**

Date: May 9, 2017

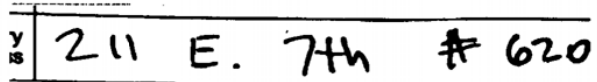
MAIL MAIL:

The following is in response to your May 9, 2017 request for delivery information on your Certified Mail™/RRE item number 92148901066154000106838640. The delivery record shows that this item was delivered on May 9, 2017 at 9:05 am in AUSTIN, TX 78744. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

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Reference ID: 92148901066154000106838640
DC-17-05152 / GR
ZURICH AMERICAN INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE
COMPANY
211 E 7th St Ste 620
Austin, TX 78701-3218

OFFICER'S RETURN

Case No. : DC-17-05152

Court No. 134th District Court

Style: SARA BEER

vs. ZURICH AMERICAN LIFE INSURANCE COMPANY et al

Came to hand on the 4TH day of MAY, 2017 at 10:10 o'clock A.M. Executed at 211 E. 7th St. Ste 620
Austin, TX 78701, within the County of _____ at
9:05 o'clock A.M. on the 9th day of May, 2017, by delivering to the within named

Zurich American Life Insurance Company By Serving Registered Agent Corporation
Service Company via US Certified Mail. Return receipt received Signed by Chris Saizan

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 76.00

For mileage \$ _____

For Notary \$ _____

Chris Saizan
of _____ County, _____
By Gabriel Zineon Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20 _____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

FELICIA PIRE
DISTRICT CLERK
600 COMMERCE STREET
DALLAS, TEXAS 75202-4606

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**ZURICH AMERICAN LIFE INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE COMPANY
211 EAST 7TH STREET SUITE 620
AUSTIN TX 78701-3218**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **SARA BEER**

Filed in said Court **30th day of April, 2017** against

ZURICH AMERICAN LIFE INSURANCE COMPANY, ZURICH AMERICAN INSURANCE COMPANY, HOTELS.COM, LP AND HOTELS.COM GP, LLC

For Suit, said suit being numbered **DC-17-05152**, the nature of which demand is as follows:
Suit on **INSURANCE** etc. as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 4th day of May, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Gabriel Rincon*, Deputy
GABRIEL RINCON



CERT MAIL

CITATION

DC-17-05152

**SARA BEER
vs. ZURICH AMERICAN LIFE
INSURANCE COMPANY et al**

**ISSUED THIS
4th day of May, 2017**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: GABRIEL RINCON, Deputy

**Attorney for Plaintiff
JAMES D WALKER
UNDERWOOD PERKINS PC
TWO LINCOLN CENTRE
5420 LBJ FREEWAY SUITE 1900
DALLAS TX 75240
972-661-5114**

DALLAS COUNTY CONSTABLE
FEE PAID **FEE NOT PAID**

EXHIBIT 2

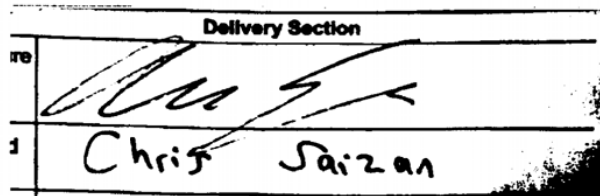
**UNITED STATES
POSTAL SERVICE**

Date: May 9, 2017

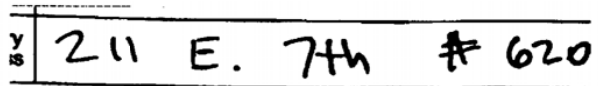
MAIL MAIL:

The following is in response to your May 9, 2017 request for delivery information on your Certified Mail™/RRE item number 92148901066154000106838817. The delivery record shows that this item was delivered on May 9, 2017 at 9:05 am in AUSTIN, TX 78744. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

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Reference ID: 92148901066154000106838817
DC-17-05152 / GR
ZURICH AMERICAN LIFE INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE
COMPANY
211 E 7th St Ste 620
Austin, TX 78701-3218

FELICIA PITRE
DISTRICT CLERK
GEORGE L ALLEN SR COURT BLDG
600 COMMERCE ST
DALLAS, TX 75202-4689



9214 8901 0661 5400 0106 8388 17

RETURN RECEIPT (ELECTRONIC)

DC-17-05152 / GR

ZURICH AMERICAN LIFE INSURANCE COMPANY
BY SERVING REGISTERED AGENT CORPORATION SERVICE
COMPANY
211 E 7TH ST STE 620
AUSTIN, TX 78701-3218

CAUSE NO. DC-17-05152

SARA BEER	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
V.	§	DALLAS COUNTY, T E X A S
	§	
ZURICH AMERICAN LIFE INSURANCE	§	
COMPANY, ZURICH AMERICAN	§	
INSURANCE COMPANY, HOTELS.COM,	§	
LP and HOTELS.COM GP, LLC	§	
	§	
Defendants	§	134TH JUDICIAL DISTRICT

**ORIGINAL ANSWER OF DEFENDANTS
ZURICH AMERICAN LIFE INSURANCE COMPANY
AND ZURICH AMERICAN INSURANCE COMPANY**

TO THE HONORABLE JUDGE:

COME NOW, DEFENDANTS ZURICH AMERICAN LIFE INSURANCE COMPANY and ZURICH AMERICAN INSURANCE COMPANY (“ZURICH”) and file this, their Original Answer in response to Plaintiff’s Original Petition and Request for Disclosure, and would respectfully show the Court as follows:

I.

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Zurich generally denies the allegations made by Plaintiff in her Original Petition and respectfully requests that Plaintiff prove her charges and allegations by a preponderance of the evidence as required by the Constitution and laws of the State of Texas.

II.

ADDITIONAL DEFENSES

1. Zurich denies that all necessary conditions precedent to bringing these claims, which arise under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §1001 et seq., have occurred.

2. Zurich American Insurance Company Policy issued No. GTU 4380353 (“the Policy”) to Expedia.com and handled the claim presented by Ms. Beer. Zurich American Life Insurance Company did not issue the Policy and had no involvement with the handling of this claim. Accordingly, Plaintiff does not have a valid claim against Zurich American Life Insurance Company.

3. Zurich asserts all terms, conditions, provisions, limitations, requirements, and exclusions of the Policy, and to the extent Plaintiff’s claims do not comply with such terms, conditions, provisions, limitations, requirements, and exclusions, there is no coverage for the claim.

4. The Insuring Agreement to the Zurich Policy states in relevant part as follows:

24 Hour Accident Protection While on Business Trip, Excluding Corporate Owned or Leased Aircraft, Passenger Only, H-2

The **Hazards** insured against by this **Policy** are:

A **Covered Injury** sustained by an **Insured** anywhere in the world while on the **Business of the Policyholder** during a business trip, subject to the terms, conditions, limitations and exclusions under this **Policy**.

Coverage, subject to the limitations and exclusions, is provided between:

A. the later of the time the **Insured** leaves the place where he or she normally works or lives; and

B. the earlier of the time the **Insured** returns to the place where he or she normally works or lives.

5. The Zurich Policy defines “**Covered Injury**” as “an **Injury** directly caused by accidental means which results from a **Covered Accident**, occurs while the **Covered Person** is insured under this **Policy** and results in a **Covered Loss**.”

6. Zurich denied Plaintiff’s claim for benefits under the Zurich Policy because Mr. Beer’s death was not directly caused by accidental means.

7. Section VII of the Policy contains the following exclusion:

A loss will not be a Covered **Loss** if it is caused by or results from:

* * *

7. being intoxicated

Plaintiff’s claims are excluded under the Policy pursuant to the above-outlined exclusion.

8. No reference to specific terms, conditions, provisions, limitations, requirements, and exclusions of the Policies in this pleading shall be interpreted to limit the rights of Zurich under the Policy. To the extent the Policy provides additional rights, remedies, or options available to Zurich that are not pleaded in this answer, Zurich does not waive its right to invoke such provisions either contractually or by further pleading.

III.

PRAYER

For the foregoing reasons, Defendants Zurich American Life Insurance Company and Zurich American Insurance Company ask that Plaintiff take nothing by her claims, that all costs be assessed against Plaintiff, and that Zurich be granted such other relief to which it is entitled.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Rodrigo Garcia, Jr.

RODRIGO GARCIA, JR.

State Bar No. 00793778, DC 057499

One Riverway, Suite 1400

Houston, TX 77056

Telephone: (713) 403-8206

Telecopy: (713) 403-8299

E-Mail: dgarcia@thompsoncoe.com

**ATTORNEYS FOR DEFENDANTS
ZURICH AMERICAN LIFE INSURANCE
COMPANY and ZURICH AMERICAN
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of foregoing instrument has been served on the following counsel of record via electronic notification on May 30, 2017.

JAMES D. WALKER
Jim Walker and Associates, PLLC
4925 Greenville Avenue, Suite 200
Dallas, Texas 75206

Attorney for Plaintiff

/s/ Rodrigo Garcia, Jr.

RODRIGO GARCIA, JR.